

## SETTLEMENT OF CLAIMS

*Convention signed at Madrid August 11, 1802*

*Senate advice and consent to ratification January 9, 1804*

*Ratified by the President of the United States January 9, 1804*

*Ratified by Spain July 9, 1818*

*Ratifications exchanged at Washington December 21, 1818*

*Entered into force December 21, 1818*

*Proclaimed by the President of the United States December 22, 1818*

*Annulled February 22, 1821, by treaty of February 22, 1819*<sup>1</sup>

8 Stat. 198; Treaty Series 326<sup>2</sup>

A CONVENTION BETWEEN HIS CATHOLIC MAJESTY AND THE UNITED STATES OF AMERICA FOR THE INDEMNIFICATION OF THOSE WHO HAVE SUSTAIN'D LOSSES, DAMAGES OR INJURIES IN CONSEQUENCES OF THE EXCESSES OF INDIVIDUALS OF EITHER NATION DURING THE LATE WAR, CONTRARY TO THE EXISTING TREATY OR THE LAWS OF NATIONS

His Catholic Majesty & the Government of the United States of America, wishing amicably to adjust the Claims which have arisen from the excesses committed during the late war, by Individuals of either Nation, contrary to the Laws of Nations or the Treaty<sup>3</sup> existing between the two Countries; His Catholic Majesty has given for this purpose full powers to His Excellency D<sup>n</sup> Pedro Cevallos, Counsellor of State, Gentleman of the Bed Chamber in employment, first Secretary of State & Universal Dispatch, & Superintendent General of the Posts & Postoffices in Spain & the Indies; and the Government of the United States of America, to Charles Pinckney, a Citizen of the said States, and their Minister Plenipotentiary near His Catholic Majesty, who have agreed as follows.

1<sup>st</sup> A Board of Commissioners shall be formed, composed of five Commissioners, two of whom shall be appointed by His Catholic Majesty, two others by the Government of the United States, & the fifth by common consent—and in case they should not be able to agree on a person for the fifth Commissioner, each party shall name one & leave the decision to lot—and

<sup>1</sup> TS 327, *post*, p. 528.

<sup>2</sup> For a detailed study of this convention, see 2 Miller 492.

<sup>3</sup> TS 325, *ante*, p. 516.

hereafter, in case of the death, sickness or necessary absence of any of those already appointed, they shall proceed in the same manner, to the appointment of persons to replace them.

2<sup>d</sup> The appointment of the Commissioners being thus made, each one of them shall take an oath to examine, discuss & decide on the Claims, which they are to judge, according to the Laws of Nations & the existing Treaty, & with the impartiality justice may dictate.

3<sup>d</sup> The Commissioners shall meet & hold their sessions in Madrid, where, within the term of eighteen months (to be reckoned from the day on which they may assemble) they shall receive all Claims which in consequence of this Convention may be made, as well by the Subjects of His Catholic Majesty as by Citizens of the United States of America—who may have a right to demand compensation for the losses, damages or injuries sustained by them, in consequence of the excesses committed by Spanish subjects or American Citizens.

4<sup>th</sup> The Commissioners are authorized by the said contracting parties, to hear & examine on oath, every question relative to the said demands, & to receive as worthy of Credit all testimony, the authenticity of which cannot reasonably be doubted.

5<sup>th</sup> From the decisions of the Commissioners, there shall be no appeal, & the agreement of three of them shall give full force & effect to their decisions, as well with respect to the Justice of the Claims as to the amount of the indemnification which may be adjudged to the Claimants—the said contracting parties obliging themselves to satisfy the said awards in Specie without deduction, at the times & places pointed out, & under the conditions which may be expressed by the Board of Commissioners.

6<sup>th</sup> It not having been possible for the said Plenipotentiaries to agree upon a mode by which the above-mentioned Board of Commissioners should arbitrate the Claims originating from the excesses of foreign Cruizers, Agents, Consuls, or Tribunals in their respective Territories, which might be imputable to their two governments, they have expressly agreed that each Government shall reserve, (as it does by this Convention) to itself, its Subjects or Citizens respectively, all the rights which they now have & under which they may hereafter bring forward their Claims at such times as may be most convenient to them.

7<sup>th</sup> The present Convention shall have no force or effect, until it be ratified by the contracting parties, & the ratifications shall be exchanged as soon as possible. In faith whereof, We the Underwritten Plenipotentiaries have signed this Convention & have affixed thereto our Respective Seals.

Done at Madrid this 11 day of August 1802.

PEDRO CEVALLOS	[SEAL]
CHARLES PINCKNEY	[SEAL]